

TO: Tubac Fire District Board of Directors
FROM: Mary Dahl and Rich Bohman, Fire Board Members
SUBJECT: Agenda Items for February 22, 2023
DATE: February 9, 2023

Agenda Items:

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03(A)(1), discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body re: Interim Fire Chief Benjamin Guerrero.

REGULAR SESSION: Discussion and Possible Action to Appoint a New Fire Chief.

Background: On January 25th the Board declined to initiate a recruitment process to hire a new Fire Chief in the wake of Chief Horvath's planned retirement. Some Board members expressed an interest in considering promoting from within. Specifically, some Board members showed interest in favorably considering offering the permanent position to Interim Fire Chief Guerrero.

Upon examining this option and reflecting on the best path forward for the District, its employees and the community, we would like to ask the Board to act now to fill this vital position.

Briefly, there are tangible reasons and more subjective ones for moving ahead at this time. The tangible ones include:

1. Considerable use of overtime pay will ensue with a prolonged "act-up" command scenario. In other words, as the Interim Chief assigns staff to fill in vacancies caused by his interim status, overtime pay will be depleted to cover the "act-up" stipends. This, along with some unfortunate injuries resulting in rank and file staff overtime will have a marked impact on the overtime pay budget.
2. Pay scale imbalances. When staff is asked to "act-up" and perform additional duties during times of need, they are compensated at an additional 5% of their existing pay. Since staff are at varying levels of seniority within the pay structures, this can and will result in interim deputy chiefs making little more than the staff they supervise. Such scenarios are not good for morale or the organization.

The subjective reasons for acting now, in our view, include:

1. Providing staff, the Board and the community with permanency in leadership. Interim leaders often act with an eye toward keeping the organization afloat, but their status hampers them. We are entering into the annual budget cycle. It would be valuable to have a Fire Chief leading that effort who has a clear interest in its outcome. There are other issues, such as the communications towers relocation, that will benefit from having a permanent Fire Chief at the helm.
2. Demonstrating that the TFD as an organization values succession planning and has the structure in place for promotion. Chief Horvath worked to put processes in place that encourage promotion from within and an internal pathway to success. The recent promotion of three longtime District employees to Captain demonstrates that. Her leadership in this has set the

District up for increased employee retention, but most importantly, for employee satisfaction and fulfillment by showing that there are avenues within the organization for advancement.

3. Providing certainty for staff regarding future leadership. Questions about who will lead an organization can, over time, be destabilizing in a workplace. Resolving those questions now by appointing someone who has the confidence and trust of the staff would be a positive development.

Board member Benequista referenced the Job Description for Fire Chief. In reviewing the minimum qualifications, Chief Guerrero meets them all except the one regarding five years in a Chief Officer role. He falls shy of this by about 1 ½ years having been appointed Deputy Chief in October of 2019.

However, TFD staffing is small which means that staff structure requires sub-Chief officers, such as Captains, to often act as Battalion Chiefs would in larger organizations. It should be pointed out, too, that Chief Guerrero was Deputy Chief for Operations during the COVID era, which adds immeasurably to his level of management experience.

We would like the Board to appoint Chief Guerrero as the next Tubac Fire District Fire Chief and ask the Chair to bring an employment contract to the Board at the March meeting that has a term of 15 months from April 1, 2023 to June 30, 2024. That will 1) put the contract on a timeframe that matches our annual budget, 2) give Chief Guerrero ample opportunity to exercise his leadership and vision, and 3) give the Board time to develop performance measures to assess the Chief. Some number of successive three year renewals with annual evaluations would also be included in the contract. The Chair would consult with our Human Resources consultant on starting salary for an individual with Chief Guerrero's experience.

Action: We ask that the Board convene into Executive Session to discuss this matter first among its members only and then ask Chief Guerrero to join us for further discussion.

Pending those discussions, we request the Board consider the following motion:

Suggested Motion: Madame Chair, I move to appoint Interim Fire Chief Ben Guerrero as the Tubac Fire Chief for an initial period of 15 months commencing April 1, 2023, and direct the Chair to bring an employment contract to the Board for its consideration at the March 2023 regular board meeting.